

REMARKS

Claims 1-6, 9-13, 15-22, 24-28, 32, and 33 are pending. Claims 1, 24, and 33 have been amended. Claim 32 has been canceled. Claims 34-42 have been added. In view of the amendments and the following remarks, applicant respectfully requests reconsideration and allowance of Claims 1-6, 9-13, 15-22, 24-28, and 34-42.

Non-Statutory Double Patenting Rejection

Claims 1-5, 9-13, and 15-22 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2, 3, 9-13, and 15-22 of copending Application No. 09/943,885 in view of U.S. Patent No. 5,700,522, to Nonweiler et al. The '885 application has been abandoned. Withdrawal of the rejection is respectfully requested.

The Rejection of Claims 32 and 33 Under 35 U.S.C. § 112, First Paragraph

Claims 32 and 33 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply to the written description requirement. Withdrawal of the rejection is requested for the following reasons.

Claim 32 has been canceled.

Claim 33 has been amended to recite the transition "consisting essentially of" and that soybean oil is present in about 17% by weight based on the total weight of the composition.

The Rejection of Claims 1-5, 9-13, 15-22, 24-28, 32, and 33 Under 35 U.S.C. § 102(e)

Claims 1-6, 9-13, 15-22, 24-28, 32, and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,608,131, issued to Winterowd et al. Withdrawal of the rejection is requested for the following reasons.

Claims 1, 24, and 33 have been amended. Claims 2-6, 9-13, and 15-22 depend from Claim 1 and Claims 25-28 depend from Claim 24. Claim 32 has been canceled.

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As amended, Claims 1, 24, and 33 each recites the transition "consisting essentially of."

As amended, Claims 1, 24, and 33 exclude from their scope any ingredient that materially affects the basic and novel characteristics of the invention. The cited reference describes an edge sealant formulation that includes a wax as a necessary ingredient. See, for example, Col. 5, line 28. Because wax is an ingredient that would materially affect the basic and novel characteristics of the claimed invention, the amendments to Claims 1, 24, and 33 render the claimed invention novel and nonobvious in view of the cited reference. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 6 Under 35 U.S.C. § 103(a)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,608,131, issued to Winterowd et al., in view of U.S. Patent No. 6,489,037, issued to Winterowd et al. Withdrawal of the rejection is requested for the following reasons.

Claim 6 depends from Claim 1, which has been amended. For the reasons noted above with regard to amended Claim 1, the cited references, either alone or in combination, fail to teach or suggest the claimed composition. Withdrawal of this grounds for rejection is respectfully requested.

New Claims 34-42

Claims 34-42 have been added. Claim 34 is an independent claim and Claims 35-42 depend from Claim 34. Claim 34 recites a composition corresponding to the composition of originally filed Claim 1 and further recites the presence of an additional ingredient, poly(propylene glycol). Claims 35-42 correspond to previously presented dependent Claims 3, 4, 8-11, 14, and 15.

Support for the newly recited ingredient, poly(propylene glycol), can be found at page 5, line 25 the specification as originally filed.

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Applicant notes that poly(propylene glycol) is not described as an ingredient of the edge sealant formulation described in U.S. Patent No. 6,608,131, previously cited by the Examiner in rejecting Claims 1-5, 9-13, 15-22, 24-28, 32, and 33. Applicant further notes that the present application and the cited reference were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Conclusion

In view of the above amendments and foregoing remarks, applicant believes that Claims 1-6, 9-13, 15-22, 24-28, and 34-42 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1755.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

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April 6, 2004

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